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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/573,964	04/12/2007	Taishi Tsuji	46969-5438	9940
23973 7590 06/03/2010 DRINKER BIDDLE & REATH ATTN: INTELLECTUAL PROPERTY GROUP ONE LOGAN SQUARE, SUITE 2000 PHILADELPHIA, PA 19103-6996				
EXAMINER HANLEY, BRITT D				
ART UNIT 2889		PAPER NUMBER		
NOTIFICATION DATE 06/03/2010		DELIVERY MODE ELECTRONIC		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

DBRIPDocket@dbp.com  
penelope.mongelluzzo@dbp.com

## Office Action Summary

**Application No.**

10/573,964

**Applicant(s)**

TSUJI ET AL.

**Examiner**

BRITT D. HANLEY

**Art Unit**

2889

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 09 March 2010.  
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1, 2 and 5-7 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
6) ☒ Claim(s) 1, 2 and 5-7 is/are rejected.  
7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.  
10) ☒ The drawing(s) filed on 03/30/2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☒ All b) ☐ Some \* c) ☐ None of:  
1. ☒ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)  
2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)  
3) ☐ Information Disclosure Statement(s) (PTO/SB-08)  
4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_  
5) ☐ Notice of Informal Patent Application  
6) ☐ Other: \_\_\_\_\_  
Paper No(s)/Mail Date \_\_\_\_\_

## DETAILED ACTION

### *Response to Amendment*

**0.1** Amendment filed on 03/09/2010 has been entered and noted by Examiner. Claims 3 and 4 are cancelled in the application, and claims 1, 2, and 5-7 are pending.

### **Claim Rejections - 35 USC § 102**

**0.2** The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

**0.3** Claims 1, 2, and 5-7 are rejected under 35 U.S.C. 102(b) as being anticipated by Kwong (US 2003/0054197 A1).

**0.4** Regarding claim 1, Kwong discloses an organic electroluminescent device comprising: a pair of positive and negative electrodes opposed to each other (180 and 120, Figure 1, ¶ 25, 39-40); and an organic functional layer formed between the positive and negative electrodes and having three or more thin films each made of an organic compound (130, 140, 150, 160, 170, Figure 1, ¶ 25), wherein said organic functional layer comprises a hole transport layer (140), a hole injection layer (130), a light emitting layer (150), an electron transport layer (160), and an electron injection layer (170), as the thin films, wherein a first layer (130) and a second layer (160 or 170) holding a third layer (140) therebetween within the thin films are made of organic compounds that have glass transition temperatures equal to or higher than a first temperature, the third layer being made of an organic compound a glass transition temperature of which is lower than the first temperature (from Applicant's specification, CuPC Tg=>300°C, NPD Tg=96°C, BA1q Tg=99°C, Alq3 Tg=167°C), wherein the light emitting layer includes a phosphorescent material as a doping material (BTPIr, ¶ 42-43).

**0.5** Regarding claim 2, Kwong discloses the organic electroluminescent device according to claim 1, wherein a difference between the glass transition temperature of an organic compound of the third layer and the glass transition temperature of an organic compound of the first or second layer is equal to or more than 12°C (|NPD Tg=96°C - CuPC Tg=>300°C| =>12°C & NPD Tg=96°C - Alq3 Tg=167°C | =>12°C).

0.6 Regarding claim 5, Kwong discloses the organic electroluminescent device according to claim 1, wherein the third layer is a hole transport layer (§ 25).

0.7 Regarding claim 6, Kwong disclose the organic electroluminescent device according to claim 5, wherein the hole transport layer is made of 4,4'-bis[N-(naphthyl)-N-phenyl-amino]biphenyl (§ 9).

0.8 Examiner notes that  $\alpha$ -NPD is 4,4'-bis[N-(1-naphthyl)-N-phenyl-amino]biphenyl, and in the PG-Pub of the instant application, Applicant calls 4,4'-bis[N-(naphthyl)-N-phenyl-amino]biphenyl  $\alpha$ -NPD.

0.9 Regarding claim 7, Kwong discloses the The organic electroluminescent device according to claim 1, wherein the phosphorescent material is one selected from substances represented by the following chemical formulae (formula 4 represents Btplr, which Kwong discloses in examples 3 and 4, ¶ 42 and 43).

### **Response to Arguments**

1.0 Applicant's arguments filed 03/09/2010 have been fully considered but they are not persuasive. Applicant alleges that Kwong fails to disclose the new limitations, however, Kwong clearly discloses all of the new limitations as shown above.

### **Conclusion**

1.1 Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

1.2 A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

1.3 Any inquiry concerning this communication or earlier communications from the examiner should be directed to Britt Hanley whose telephone number is (571) 270-3042. The examiner can normally be reached on Monday - Thursday, 6:30a-5:00p ET.

1.4 If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Minh-Toan Ton can be reached on (571)272-2303. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

1.5 Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Britt Hanley/  
Examiner, Art Unit 2889

|  
/Toan Ton/  
Supervisory Patent Examiner, Art Unit 2889